

Application Number 10/823,483  
Amendment dated September 7, 2006  
Response to Office Action mailed July 7, 2006

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

Claim 1 (original): A device for cooling, comprising a) a diode, comprising an emitter and a collector electrode; b) a substance from which heat is to be removed, and a substance to which heat is to be transferred, respectively thermally connected to said emitter and said collector electrodes; c) positioning means for spatially positioning at least one of said electrodes relative to the other; d) an electrical circuit between said emitter and collector; and e) means for providing a voltage bias to said emitter to cause emission of electrons, whereby said emitter is cooled.

Claim 2 (original): The device of claim 1 further comprising measuring means to enable the measurement of the distance separating said electrodes.

Claim 3 (original): The device of claim 2 wherein said measuring means is selected from the group consisting of: apparatus for measuring capacitance, apparatus for measuring tunneling current, and optical interferometry.

Claim 4 (original): The device of claim 1 wherein said positioning means is selected from the group consisting of: piezo-electric, electrostrictive, and magnetostrictive actuators.

Claim 5 (original): The device of claim 1 wherein said positioning means comprises multiple actuators.

Claim 6 (original): The device of claim 5 comprising means for controlling said multiple actuators independently.

Claim 7 (original): The apparatus of claim 1 wherein a region between said electrodes is evacuated.

Claim 8 (original): The apparatus of claim 1 wherein a region between said electrodes comprise an inert gas.

Claim 9 (original): The apparatus of claim 8 wherein said inert gas is argon.

Application Number 10/823,483  
Amendment dated September 7, 2006  
Response to Office Action mailed July 7, 2006

Claim 10 (original): The apparatus of claim 1 wherein said distance separating said emitter electrode and said collector electrode is sufficiently small for electrons to tunnel from said emitter electrode to said collector electrode.

Claim 11 (original): A method for pumping heat between an emitter electrode and a collector electrode of a gap diode device, comprising: d) positioning said emitter electrode and said collector electrode to within 200 angstroms of each other by positioning means for spatially positioning at least one of said electrodes relative to the other; e) causing electrons to tunnel between said emitter electrode and said collector electrode by applying a suitable voltage bias to said emitter electrode.

Claim 12 (original): The method of claim 11 further comprising the step of measuring the distance separating said electrodes using measurement means selected from the group consisting of: apparatus for measuring capacitance, apparatus for measuring tunneling current, and optical interferometry.

Claim 13 (original): The method of claim 11 wherein said positioning means is selected from the group consisting of: piezo-electric, electrostrictive, and magnetostrictive actuators.

Claim 14 (original): The method of claim 11 wherein said positioning means comprises multiple actuators.

Claims 15-20 (cancelled).